

**COUNTY OF MADERA
BUDGET UNIT EXPENDITURE DETAIL
BUDGET FOR THE FISCAL YEAR 2009-10**

Department:

PUBLIC DEFENDER

(03600)

Function:

Public Protection

Activity:

Judicial

Fund:

General

<u>ACCOUNT CLASSIFICATION</u>	ACTUAL EXPENDITURES <u>2007-08</u>	BOARD APPROVED EXPENDITURES <u>2008-09</u>	DEPARTMENT REQUEST <u>2009-10</u>	CAO RECOMMENDATION <u>2009-10</u>
<u>SERVICES & SUPPLIES</u>				
721400 Prof. & Specialized Services-Contracts	1,684,816	1,967,585	2,033,464	2,033,464
721433 Prof. & Specialized Services-Outside Attorneys	103,566	110,000	110,000	110,000
721434 Prof. & Specialized Services-Capital Cases	54,522	100,000	100,000	100,000
TOTAL SERVICES & SUPPLIES	1,842,904	2,177,585	2,243,464	2,243,464
TOTAL - PUBLIC DEFENDER	1,842,904	2,177,585	2,243,464	2,243,464

COMMENTS

This Office provides legal defense to indigent defendants in criminal cases. Until 1971, this service was provided solely by private attorneys appointed by the Courts. In 1972, the County established a Public Defender’s Office that was operated and staffed by County employees. On September 1, 1977, the Board of Supervisors entered into a contract with a local attorney to perform all the services of this office, which eventually resulted in contracting for three levels of Public Defender services to provide for “Conflict of Interest” cases and circumstances where there are multiple defendants. On May 10, 1994, the County approved a proposal for Public Defender services by a local law firm, which provided and coordinated, through sub-contracts, all levels of indigent defense in criminal cases. In May 2002, your Board extended the contract for these services for a four-year period ending June 30, 2006. In May 2006 your Board approved contracting for an additional four-year period ending June 30, 2010. In January, 2008, your Board approved a contract adjustment to allow additional attorneys for the additional judges added to the court system.

SERVICES & SUPPLIES

- 721400

Professional & Specialized Services - Contracts is recommended at \$2,033,464. This amount represents the following expenditures:

Contract for all Public Defender Services	- \$2,003,464
Expert Witness Fees	- \$ 30,000
- 721433

Professional & Specialized Services - Outside Attorneys is recommended at \$110,000. This amount represents the cost to retain attorneys for Public Defender cases when conflict of interest or multiple defendant cases occur with the contract attorneys. An additional \$25,000 was moved from this line item into the contract line item by your Board in January, 2008, to partially offset some of the increased contract costs.
- 721434

Professional & Specialized Services - Capital Cases is recommended at \$100,000. This amount represents the estimated cost to provide legal defense for the “Capital Cases,” which may go to trial during the 2009-10 fiscal year. In Fiscal Year 2000-01, your Board accepted an amendment to the Public Defender contract that provides for Capital Case defense by the contract Public Defender. The service provided offers a flat-fee, per case basis with three classifications varying in degree and complexity. These fees were adjusted in Fiscal Year 2005-06; categories 2 and 3 were increased by \$5,000 each:

Category 1 - \$35,000 for a relatively non-complex case with one defendant and one victim.

Category 2 - \$55,000 for a more difficult case with multiple victims or defendants, special circumstances, or complex factual or legal issues.

Category 3 - \$70,000 for the most complex case with multiple victims/defendants, high publicity/notoriety, or very complex factual or legal issues.